

REMARKS

Claim Rejections

Claims 1-4, 10-11 and 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Singh (U.S. 6,389,278) in view of Eckert et al. (U.S. 6,745,046). Claims 5-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Singh in view of Eckert et al. and further in view of Koleda et al. (U.S. 6,782,242). Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Singh in view of Eckert et al. and further in view of Barrus et al. (U.S. 6,522,242).

Claim 16 is allowed.

Drawings

Applicant proposes to amend Figure 3, as illustrated in red on the attached photocopies. In Figure 3 it is proposed change "Flatfom" to read --Platform--. No "new matter" has been added to the original disclosure by the proposed amendment to this figure. Approval of the proposed drawing change is respectfully requested.

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, except for the above proposed drawing correction, Applicant must assume that the drawings are acceptable as filed.

Amendments to Specification

Applicant has amended the specification as noted above to provide antecedent basis for reference number "32". No "new matter" has been added to the original disclosure by the foregoing amendments to the specification.

New Claims

By this Amendment, Applicant has canceled claims 1-15 and has added new claims 17-28 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

Original claim 16 is allowed.

The new claims are directed toward a communication system comprising: a pager (31) having a pager receiving frequency channel and receiving data from a broadcasting system; a personal data assistant unit (34) connected to the central processing unit and displaying data received from the central processing unit; a GSM/DCS mobile phone unit (37); a central processing unit (33) connected to and controlling the pager, the personal data assistant unit, and the GSM/DCS mobile phone unit; a communication interface (38) having GSM and DCS frequency channels for bidirectionally transmitting speech and data signals bidirectionally through two channels; and a GSM/DCS integrating circuit (36) connected to the pager, the personal data assistant unit, the central processing unit, the GSM/DCS mobile phone unit, and the communication interface, wherein data and speech are transferred through three channels.

Other embodiments of the present invention include: a speaker (32) connected to the central processing unit; the personal data assistant unit includes an infrared port (341), a key platform (342), a liquid crystal display (343), a memory (344), and a security device (345); the key platform includes a plurality of directional keys, an input key, and an electronic sensing pen; the GSM/DCS mobile phone unit includes a memory (371), a subscriber identification module (372), a speaker and a microphone (373), and a hand free receiver (374); the subscriber identification module is a metal chip card storing a phone number of the mobile phone, a program controlling the mobile phone, and a memory; the communication interface includes an analog to digital converting circuit, a digital to analog converting circuit, a GSM/DCS channel selecting circuit, and an antenna; a power switch (35) controlling power to the GSM/DCS mobile phone unit; the pager receiving frequency channel is between 285 and 1375 MHz; the GSM frequency channel has a transmitting frequency between 880 and 915 MHz and a receiving frequency between 925 and 960 MHz; the DCS frequency channel has a transmitting frequency between 1710 and 1785 MHz and a receiving frequency between 1805 and 1880 MHz; and the communication interface utilizes a wireless application protocol for bidirectionally transmitting the speech and data signals.

The primary reference to Singh teaches a wireless communicator including a GPS receiver (102), a wireless telephone (104), a pager (106), and antennas (103, 105, 107).

Singh does not teach a communication interface having GSM and DCS frequency channels for bidirectionally transmitting speech and data signals bidirectionally through two channels; a GSM/DCS integrating circuit connected to the pager, the personal data assistant unit, the central processing unit, the GSM/DCS mobile phone unit, and the communication interface; the personal data assistant unit includes an infrared port, and a security device; the communication interface includes a GSM/DCS channel selecting circuit; nor does Singh teach a power switch controlling power to the GSM/DCS mobile phone unit.

The secondary reference to Eckert et al. teaches a integrated antenna coupler element including an antenna (3) having a first transmit signal input (9), a second transmit signal input (11), a first received signal output (13), and a second received signal output (15).

Eckert et al. do not teach a pager having a pager receiving frequency channel and receiving data from a broadcasting system; a personal data assistant unit connected to the central processing unit and displaying data received from the central processing unit; a central processing unit connected to and controlling the pager, the personal data assistant unit, and the GSM/DCS mobile phone unit; a GSM/DCS integrating circuit connected to the pager, the personal data assistant unit, the central processing unit, the GSM/DCS mobile phone unit, and the communication interface; a speaker connected to the central processing unit; the personal data assistant unit includes an infrared port, and a security device; the communication interface includes a GSM/DCS channel selecting circuit; nor do Eckert et al. teach a power switch controlling power to the GSM/DCS mobile phone unit.

The secondary reference to Koleda et al. teaches a slide assembly for a communication unit including a phone having an antenna (13), a microphone (46), and a keypad area (7).

Koleda et al. do not teach a pager having a pager receiving frequency channel and receiving data from a broadcasting system; a personal data assistant

unit connected to the central processing unit and displaying data received from the central processing unit; a central processing unit connected to and controlling the pager, the personal data assistant unit, and the GSM/DCS mobile phone unit; a GSM/DCS integrating circuit connected to the pager, the personal data assistant unit, the central processing unit, the GSM/DCS mobile phone unit, and the communication interface; the personal data assistant unit includes an infrared port, and a security device; the communication interface includes a GSM/DCS channel selecting circuit; nor do Koleda et al. teach a power switch controlling power to the GSM/DCS mobile phone unit.

The secondary reference to Barrus et al. discloses a method for information reception and teaches a pager with a receiving frequency between 940 and 941 MHz.

Barrus et al. do not teach a personal data assistant unit connected to the central processing unit and displaying data received from the central processing unit; a central processing unit connected to and controlling the pager, the personal data assistant unit, and the GSM/DCS mobile phone unit; a GSM/DCS integrating circuit connected to the pager, the personal data assistant unit, the central processing unit, the GSM/DCS mobile phone unit, and the communication interface; the personal data assistant unit includes an infrared port, and a security device; the communication interface includes a GSM/DCS channel selecting circuit; nor do Barrus et al. teach a power switch controlling power to the GSM/DCS mobile phone unit.

Even if the teachings of Singh, Eckert et al., Koleda et al., and Barrus et al. were combined, as suggested by the Examiner, the resultant combination does not suggest: a GSM/DCS integrating circuit connected to the pager, the personal data assistant unit, the central processing unit, the GSM/DCS mobile phone unit, and the communication interface; the personal data assistant unit includes an infrared port, and a security device; the communication interface includes a GSM/DCS channel selecting circuit; nor does the combination suggest a power switch controlling power to the GSM/DCS mobile phone unit.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents

on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Singh, Eckert et al., Koleda et al., or Barrus et al. that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Singh, Eckert et al., Koleda et al., nor Barrus et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: December 8, 2004

By:


Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707

Application No. 09/987,070

IN THE DRAWINGS:

Please amend Figure 3 as illustrated in red on the attached photocopy.